

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE
\$215,758.00 in U.S. Currency

Misc. No.: 2:23-mc-50651
District Judge Jonathan J.C. Grey

**Stipulation and Order Extending United States' Time to File
Forfeiture Complaint and to Toll the Civil Filing Deadline**

It is hereby stipulated by and between the United States of America, by and through its undersigned attorneys, and Samir Barka ("claimant") by and through his attorney, Todd Russell Perkins, Esq., as follows:

1. On December 13, 2021, U.S. Customs and Border Protection ("CBP") seized the following property:

- \$215,758.00 in U.S. Currency;

(collectively referred to herein as the "Currency").

2. The Parties acknowledge and stipulate that CBP provided notice as required by 18 U.S.C. § 983(a)(1)(A) of the seizure and its intent to administratively forfeit the Property to all known interested parties, including to Claimant.

3. Claimant filed a claim in the administrative forfeiture proceeding with CBP regarding the Currency. No other person has filed a claim to the Currency in

the administrative forfeiture proceeding.

4. CBP referred the administrative claim to the United States Attorney's Office for civil judicial forfeiture proceedings.

5. Pursuant to 18 U.S.C. § 983(a)(3)(A) and (B), within 90 days after a claim has been filed in an administrative forfeiture proceeding, the United States is required to do one of the following:

- (a) file a complaint for forfeiture against the claimed property,
- (b) return the claimed property, or
- (c) include the claimed property for forfeiture in a criminal action,

in order for the United States to take further action to effect the civil forfeiture of the claimed property in connection with the underlying offense, unless the court extends the deadline for good cause shown or by agreement of the parties. In this case, the deadline would be **March 28, 2023**.

6. As provided in 18 U.S.C. § 983(a)(3)(A), the parties wish by agreement to extend the 90-day deadline set forth in 18 U.S.C. § 983(a)(3)(A) and (B), and to toll the deadline, in order for the parties to have a reasonable and sufficient period in which to evaluate their respective interests in and positions regarding the Currency.

7. Claimant knowingly, intelligently, and voluntarily give up any rights he may have under 18 U.S.C. § 983(a)(3)(A) and (B) to require the United States

to file a complaint for forfeiture against the Currency, to return the Currency, and/or to include the Currency for forfeiture in a criminal action by **March 28, 2023**.

8. The parties agree that the deadline by which the United States shall be required to file a complaint for forfeiture against the Currency, to return the Currency, and/or to include the Currency for forfeiture in a criminal action to toll the civil filing deadline shall be extended **60 days** from **March 28, 2023** to and including **May 27, 2023**.

9. Claimant waives all constitutional and statutory challenges related to the foregoing extension and give up any rights he may have to seek dismissal of any civil forfeiture complaint and/or any criminal forfeiture allegation in a criminal action on the ground that forfeiture proceedings were not timely commenced. Claimant further waives and agrees to the tolling of any rule or provision of law limiting the time for commencing, or providing notice of, forfeiture proceedings with respect to the Currency, including, but not limited to, the limitations contained in 18 U.S.C. § 983 and 19 U.S.C. § 1621.

10. Claimant agrees that until the United States files a complaint for forfeiture against the Currency and/or alleges forfeiture of the Currency in a criminal action, or until **May 27, 2023**, whichever occurs first, the Currency shall remain in the custody of the United States and Claimant shall not seek its return for

any reason in any manner.

11. By signing below, Todd Russell Perkins, Esq., declares that prior to signing this Stipulation, he provided a copy of it to Claimant, reviewed it with Claimant, consulted with Claimant regarding its contents, answered any questions Claimant had about it, determined that Claimant understands its terms and is aware of his rights in this matter, and Claimant authorized Todd Russell Perkins, Esq., to sign this Stipulation.

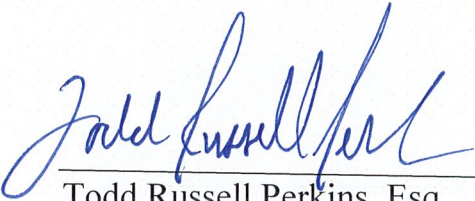
12. By their signatures below, the Parties agree to all of the terms and conditions stated herein.

Approved as to form and substance:

Dawn N. Ison
United States Attorney

S/Catherine E. Morris
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Dated: March 21, 2023


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Dated: 3/22/23

IT IS SO ORDERED.

Date: 3/23/2023

s/JONATHAN J.C. GREY
UNITED STATES DISTRICT JUDGE